

CLASSIFICATION OFFICE DECISION

Title of publication: sandyhill3.jpg

Other known title(s): Not stated

OFLC ref: 1100548.015

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: the High Court at Wellington

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 29 June 2011

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The publication is a computer image file that contains an image of two naked adolescent boys. The image is reasonably capable of being regarded as sexual in nature, and likely to be used for the purpose of sexual arousal by persons with a prurient interest in children. The publication exploits the nudity of the children depicted to a high degree. If made available, injury to the public good would result as it would be very likely to be viewed and distributed by audiences with a sexual interest in children. It is therefore classified as objectionable under s3(3)(b) of the Films, Videos, and Publications Classification Act.

The classification of this publication interferes with the freedom of expression, as set out in section 14 of the New Zealand Bill of Rights Act 1990. This outcome is consistent, however, with Parliament's intention to prevent the availability of publications that exploit the nudity of children. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to protect children and young persons from sexual exploitation.